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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/771,897	02/04/2004	Narasimhan Gautam	15060-60	3893	
69949 PATRICK W	7590 05/15/2007 RASCHE (15060)		EXAMINER		
ARMSTRONG TEASDALE, LLP			ROOKE, AG	ROOKE, AGNES BEATA	
ONE METROPOLITAN SQUARE SUITE 2600 SAINT LOUIS, MO 63102-2740			ART UNIT	PAPER NUMBER	
			1656		
			MAIL DATE	DELIVERY MODE	
			05/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1) ⊠ Responsive to communication(s) filed on 13 February 2007.  2a	The second secon	Application No.	Applicant(s)					
Agnes B. Rooke    Agnes B. Rooke   1656   16		10/771,897	GAUTAM ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Exercision of time may be evaluate under the provision of 30° RF113(a). In an event, nower, may a reby be limity lifed  It NO period for regly is appellind above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failur to reply will min set of centraled period for righy will, by statuse, cause the application to occome ABANDOKO 73 u.S. c. § 133 have period by the period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failur to reply will will have been common than the provision of the communication. Period of the communication, even if timely field, may reduce any statuse status.  1) Sees possive to communication (s) filled on 13 February 2007.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.45 is/are pending in the application.  4a) Of the above claim(s) 7.34.37 and 39.45 is/are withdrawn from consideration.  5) Claim(s) 1.43 and 35-36 is/are rejected.  7) Claim(s) 1.3 and 35-36 is/are rejected.  7) Claim(s) 1.3 and 35-36 is/are rejected.  8) Claim(s) 1.3 and 35-36 is/are rejected.  10) The drawing(s) filed on	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Examination of internary is passaged by under the provisions of 37 CPT 1.13(a), in or event, however, may a risply be timely lifed.  - Examination of internary is passaged above, the maximum statulary pariod will upply and will expire this (9) MONTHS from the mailing date of this communication or passage and passage			L					
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Art Unit: 1656

### **DETAILED ACTION**

This non-final office action is in response to the paper filed on 02/13/2007.

### Status of Claims

Claims 1-45 are pending. Claims 1-6, 35-36, and 38 are under examination.

### **Priority**

The priority is claimed to 60/445,113 filed on 02/05/2003 and 60/493,952 filed on 08/08/2003.

## Rejection Withdrawn

The rejection of claims 1-6, 35, 36, and 38, under the 35 USC 102(a) as being anticipated by Devreotes et al. (U.S. 2002/0048811) is withdrawn because the prior art as cited did not disclose G mammalian protein, but protein of different origin.

### New Rejection

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 35 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 35, it is not clear what is meant by "the tethered receptor reduces" since the meaning of the "tethered" is not defined in a claim. Thus, further clarification of the aforementioned term is required to make the claim definite.

Claim 36 does not further limit claim 35, from which it depends. Thus, the claim is indefinite.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devreotes at al. (U.S. 2002/0048811) in view of Wittamer et al. (U.S. 2003/0104478).

Devereotes et al. teach receptor mediates activation of heterotrimetric G-proteins that is visualized in living cells by monitoring fluorescence resonance energy transfer (FRET) between subunits of G-protein fused to cyan and yellow fluorescent proteins. See Abstract.

In Example 1, page 4 in [0044-0045], Devreotes et al. teach fusion of yellow fluorescent proteins to the amino end of G protein subunit  $\beta$ ; also they teach fusing fluorescent proteins into G protein, such as G $\alpha$ 2; further, FRET was used to observe the state of the G-protein heterotrimer in living cells. (See instant claims 1-3).

Devreotes et al. do not teach G mammalian protein.

Wittamer et al. teach mammalian G protein, see [0008]; where the invention relates to G-protein receptor and screening assays for the identification of candidate compounds and G protein coupled receptor signaling, see Abstract.

Therefore, it would have been obvious to one skilled in the art at eh time the invention was made to substitute the G protein of Devreotes et al. with the G mammalian protein of Whittamer et al. since G proteins of different origin will have the same function and the same mode of action when acting in a functional biosensor.

One would be motivated to use a mammalian G protein in a biosensor because such designs are known in the art and proven to be successful.

#### Conclusion

Claims 4-6 and 38 are allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agnes Rooke whose telephone number is 571-272-2055. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have

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